

## REMARKS

The rejection of claims under 35 USC 102 from the newly cited Paro, et al. EP patent publication of May 15, 2002 is traversed on the basis of the attached, translator-attested English translation of the PCT-filed FI priority application of April 19, 2002.

The rejection of claim 1 and dependent claims under 35 USC 103 for obviousness from the newly cited Sandberg, et al. and Harima patent publications is also traversed. As confirmed above by re-presentation of the claims, when an amount of liquid to be sprayed increases, more nozzles and/or a nozzle with larger flow is used.

As admitted in the Action, the Sandberg, et al. patent publication does not disclose increase by use of more nozzles. In fact, there is only one nozzle per cylinder in the Sandberg, et al. patent publication and, therefore, it cannot disclose using a larger flow nozzle, either. Instead, the Sangberg, et al. patent discloses at column 3, line 6, valves for regulating the amount of water. The amount of water could be controlled by dosage, i.e. duration of injection, for example.

Therefore, the Action cites the Harima patent publication for increasing liquid with more nozzles. However, claim 1 is in Jepson form and, therefore, limited to the method of controlling intake air humidification with spraying apparatus nozzles of its preamble.

Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. *MPEP* 2111.02

Harima does not relate to intake air humidification, but to cooling technology. Therefore, there is no motivation to combine it with Sandberg, et al., except hindsight from the applicant's disclosure, which is improper for rejection.

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher. *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 USPQ 303, 312,313 (Fed. Cir. 1983).

Even if the rejection were not improper for hindsight there is at least a total lack of other motivation for the combination. If an old product is altered, however slightly, to fit the new use, then there is no novelty bar.

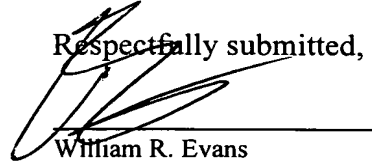
While the statute grants monopolies only for new structures, and not for new uses, invention is not to be gauged by the necessary physical changes, so long as there are some, but by the directing conception which alone can beget them *H. C. White v Morton E. Converse & Son Co.*, 20 F.2d 311, 312 (2d Cir. 1927).

The rejection of claims 14, et al. under 35 USC 103 for obviousness from the Knudsen and Maggio patents similarly fails. The Knudsen patent relates to a method and apparatus for cleaning an internal combustion engine or the like. That is totally different from humidification spraying, as claimed. That, in the Knudsen patent, the spraying quantity is only about 3 l/hr, whereas in the application it can be, according to load, 1-15 l/hr (see Fig. 2), confirms the difference that denies motivation to cite it.

The Maggio patent relates to a fuel delivery system and especially a process for regulating delivery of diluent fluid to a fluid emulsifier. It neither discloses nor suggests spraying at all, let alone the nozzle improvements of humidification apparatus of the claims. Therefore, its citation must be motivated by improper hindsight and not by the directing conception that begets the present invention.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W. Evans', is written over a horizontal line.

William R. Evans  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 25858  
Tel. No. (212) 708-1930